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ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.  
25 Plaintiff,  
v.  
26 GOOGLE INC.  
27 Defendant.

Case No. CV 10-03561 WHA  
**DECLARATION OF ANDREW  
TEMKIN RE ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
ORACLE'S RESPONSE TO ECF NO.  
1598**

Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

1 I, Andrew Temkin, declare and state as follows:

2 1. I am an attorney employed by Oracle America, Inc. ("Oracle"). My current title is  
3 Senior Corporate Counsel. One of my responsibilities is supervising Oracle's outside counsel  
4 with respect to litigation matters, including Oracle's lawsuit against Google. I am familiar with  
5 Oracle's policies and business practices, including what information Oracle considers confidential  
6 and does not disclose to the public.

7 2. I submit this declaration pursuant to Civil Local Rule 79-5 in connection with  
8 Oracle's Administrative Motion to File Under Seal Re: Oracle's Response to ECH No. 1598. I  
9 have personal knowledge of the facts set forth herein, and if called upon as a witness, I could  
10 testify to them competently under oath.

11 3. Oracle's Opposition to Google's Motion *In Limine* # 6 discusses the amount of  
12 revenue earned by Oracle in connection with the current and preceding Java-related licensing  
13 agreements between Oracle and Samsung. The amount of money paid by Samsung to Oracle is  
14 information Oracle considers highly confidential and Oracle has always treated this information  
15 as such. Oracle does not disclose this information to the public and restricts knowledge of this  
16 information within Oracle to a subset of persons who need the information for their business  
17 operations. Disclosure to the public and to Oracle's competitors of the amount of money paid by  
18 Samsung to Oracle could harm Oracle. Harm to Oracle could include, among other things, an  
19 adverse impact on Oracle's ability to negotiate licenses for Java products because other Oracle  
20 partners may use the Samsung payment information as leverage against Oracle during  
21 negotiations. Oracle submits that the risk of competitive harm that would be created by public  
22 disclosure of this information amounts to a compelling reason to grant Oracle the narrow sealing  
23 order requested herein.

1 I declare under penalty of perjury under the laws of the State of California and the United  
2 States of America that the foregoing is true and correct to the best of my knowledge.

3 Executed this 11th day of April, 2016, at San Francisco, California.

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Andrew Temkin